

REMARKS

This is a full and timely response to the non-final Office Action (Paper No. 6) mailed on August 13, 2003. Claims 1-22 remain pending in the application. Claims 1, 9, and 16 are directly amended. Reconsideration of the pending claims is respectfully requested in view of the proceeding amendments and the following remarks. Each objection and rejection presented in the Office Action is discussed in the remarks that follow.

I. Examiner's Interview

Applicant first wishes to express his sincere appreciation for the time that the Examiner spent with Applicant's attorney, Minh Nguyen, during a telephone discussion on September 24, 2003 regarding the outstanding Office Action (Paper No. 6). Applicant believes that certain important issues were identified during the telephone discussion, and that they are resolved herein. During that conversation, the Examiner seemed to indicate that the accompanying amendments would address and overcome the rejection under 35 U.S.C. §112.

The discussion further included cited reference, U.S. Patent No. 6,567,405, to Borella, et al. The Examiner agreed that the '405 patent seems to be an improperly-cited reference. The Examiner noted that the '405 is a continuation of the U.S. Patent No. 6,353,614 and that the '405 patent should have the exact specification as the '614 patent. However, the Examiner understood that the '405 patent may have added new matter and would like to withdraw the '405 patent and replace with it with the '614 patent. Therefore, Applicant will be addressing (herein) the 103 rejection against the '614 patent instead of the '405 patent.

II. Reminder of Drawings

Applicant appreciates the reminder that the U.S. Patent Office no longer makes drawing changes and that it is Applicant's responsibility to ensure that the drawings are corrected in accordance with the instructions set forth in Paper No. 4 mailed on March 3, 2003. Applicant will follow the instructions set forth in Paper No. 4 should the drawings need changes and after the claims are allowed.

III. Claim Rejection Under 35 U.S.C. §112- Claims 1, 9, and 16

A. Statement of the Rejection

Claims 1, 9, and 16 presently stand rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter.

B. Discussion of the Rejection – Claims 1, 9, and 16

Applicant has amended claims 1 and 16 to better point out and distinctly claim the subject matter. During the Examiner's Interview on September 24, 2003, the Examiner explained that he was uncertain in claims 1 and 16 whether receiving a request from a first computer within the computer network, to communicate either a second computer within the computer network or a second computer within a wide area network (WAN). Applicant has amended the claims to clarify Applicant's original intent that "receiving a request from a first computer within said computer network, either to communicate with a second computer within said computer network or to communicate with a wide area network," as defined in claims 1 and 16.

In the Examiner's Interview, the Examiner pointed out that in claim 9 the first slave computer and the second slave computer may both be located within the same LAN. Thus, Applicant has amended claim 1 to include "a first slave computer located within said first LAN, and a second slave computer located within said second LAN," as defined in amended claim 9. The Examiner indicated in the Examiner's Interview that the amendments made to claims 1, 9, and 16 would render the claims definite and that the rejection under §112 be withdrawn.

IV. Claims Rejection Under 35 U.S.C. §103

A. Statement of the Rejection

Claims 1-14 and 16-22 presently stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 6,567,405 to Borella, et al. in lieu of obviousness. However, as discussed in the Examiner's Interview, the Examiner has agreed that the '405 patent may be an invalid cited reference and therefore has agreed to replace the '405 patent with its parent application, U.S. Patent No. 6,353,614, to Borella, et al.

B. Discussion of the Rejection

1. Claims 1-14 and 16-22

Applicant respectfully traverses the rejection of these claims for at least the reason that the cited art references fail to disclose,⁹ teach, or suggest each element in the claims.

In order for a claim to be properly rejected under 35 U.S.C. §103, “[t]he PTO has the burden under section 103 to establish a *prima facie* case of obviousness. To establish a *prima facie* case of obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant’s disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

In this regard, the cited references fail to meet the burden of disclosing, teaching, or suggesting each feature of the claimed invention.

a. Claims 1-8

Applicant’s claim 1, as amended, recites:

1. A method of providing a *software bridge/router* within a small office, home office computer network comprising a series of computers, comprising the steps of:
storing said software bridge/router in at least one computer of said series of computers within said computer network;
determining a media access control address of each of said series of computers within said computer network;
receiving a request from a first computer within said computer network, to communicate with a second computer within said computer network or to communicate with a wide area network (WAN);
in response to said request being to communicate with said second computer, determining whether the media access control address of said second computer has previously been determined;
in response to said request being to communicate with said WAN, performing a protocol conversion and providing communication between said first computer and said WAN; and
if said media access control address of said second computer has previously been determined, providing communication between said first computer and said second computer.

(*Emphasis added.*)

Applicant respectfully asserts that the cited art of record fails to disclose, teach, or suggest at least the features and limitations of pending claim 1 emphasized above. Consequently, claim 1 is allowable.

Applicant respectfully submits that the '614 patent does not disclose a method of providing a *software bridge/router* within a small home, home office computer network. Instead, the '614 patent apparently discloses a hardware router 26 (shown in Fig. 1) separate from the computers in which the router 26 provides a set of globally unique ports to network devices 14, 16, 18, 20, 22, and 24 on a first network computer 12 for external communications with an external second network 30 or third network 32 (column 4, lines 38-49). In short, claim 1 is a method of providing a software bridge/router, but the '614 patent apparently discloses a hardware router 26. For at least this reason alone, Applicant respectfully submits that claim 1 be allowed and the rejection be withdrawn.

Applicant has amended claim 1 to further include "storing said software bridge/router in at least one computer of said series of computers within said computer network." The method as defined in claim 1 does not utilize a hardware router separate from the computers as disclosed in the '614 patent. As mentioned above, the '614 patent apparently discloses a hardware router 26 to provide communication between the computers in the SOHO LAN network and communication between the computers in the SOHO LAN network to the WAN network. Thus, Applicant respectfully submits that the '614 patent fails to disclose, teach, or suggest "storing said software bridge/router in at least one computer of each said series of computers within said computer network", as defined in claim 1. For at least this reason alone, Applicant respectfully submits that claim 1 be allowed and the rejection be withdrawn.

Dependent claims 2-8 are also allowable, as a matter of law, since these dependent claims contain all elements, features, or steps of independent claim 1. *See, e.g., In re Fine*, 837 F.2d 1071, 5 U.S.P.Q. 2d 1596, 1598 (Fed. Cir. 1988). Accordingly, Applicant submits that the rejection of claims 1-8 be withdrawn.

b. Claims 9-15

Applicant's claim 9 is repeated below in its entirety.

9. A software bridge/router system for providing a logical connection between a first local area network (LAN), having a first series of computers therein, a second LAN, having a second series

of computers therein, and a wide area network, wherein said first LAN and said second LAN are located within a small office, home office (SOHO) computer network, comprising:

a master computer which is capable of identifying all computers within said first LAN and said second LAN; and a first slave computer located within said first LAN, and a second slave computer located within said second LAN, wherein said master computer provides for communication between said first slave computer and said second slave computer, and between said SOHO computer network and said wide area network (WAN).

(Emphasis added).

The cited art of record fails to disclose, teach or suggest at least the emphasized element of pending claim 9 as shown above. Consequently, claim 9 is allowable.

As mentioned above with reference to claim 1, the '614 patent discloses a hardware router 26 separate from the computers in which the router 26 enables the computers in the SOHO LAN network to communicate to each other and to communicate to the WAN network. However, the '614 patent does not disclose "a master computer which is capable of identifying all computers within said first LAN and said second LAN," as defined in claim 1. For at least this reason alone, Applicant respectfully submits that claim 9 be allowed and the rejection be withdrawn.

Claim 9 further includes "said master computer provides for communication between said first slave computer and second slave computer, and between SOHO computer network and said wide area network (WAN)." As mentioned above, the hardware router 26 separate from the computers as disclosed in the '614 patent provides communication between the computers in the SOHO LAN network and the communication between the SOHO LAN network and the WAN network. No where in the '614 patent does it disclose "said master computer provides for communication between said first slave computer and second slave computer, and between SOHO computer network and said wide area network (WAN)", as defined in claim 9. For at least this reason alone, Applicant respectfully submits that claim 9 be allowed and that the rejection be withdrawn.

Dependent claims 10-15 are also allowable as a matter of law, since these dependent claims contain all elements, features, or steps of independent claim 9. See *In re Fine*, supra. Accordingly, Applicant submits that the rejection of claims 9-15 be withdrawn.

c. Claims 16-22

Applicant's claim 16 is repeated below in its entirety.

16. A system for providing a *software bridge/router* within a small office, home office computer network comprising a series of computers, comprising:

a means for storing said software bridge/router in at least one computer of said series of computers within said computer network;

a means for determining a media access control address of each of said series of computers within said computer network;

a means for receiving a request from a first computer within said computer network, either to communicate with a second computer within said computer network or to communicate with a wide area network (WAN);

a means for determining whether the media access control address of said second computer has previously been determined;

a means for performing a protocol conversion and providing communication between said first computer and said WAN; and

a means for providing a communication between said first computer and said second computer.

(*Emphasis added*)

The cited art of record fails to disclose, teach or suggest at least the emphasized element of pending claim 16 as shown above. Consequently, claim 16 is allowable.

Applicant respectfully submits that the '614 patent does not disclose a system of providing a *software bridge/router* within a small home, home office computer network as defined in claim 16. Instead, the '614 patent apparently discloses a hardware router 26 (shown in Fig. 1) separate from the computers in which router 26 provides a set of globally unique ports to network devices 14, 16, 18, 20, 22, and 24 on a first network computer 12 for external communications with an external second network 30 or third network 32 (column 4, lines 38-49). In short, claim 16 is a system of providing a software bridge/router, but the '614 patent apparently discloses a hardware router 26 separate from the computers. For at least this reason alone, Applicant respectfully submits that claim 16 be allowed and the rejection be withdrawn.

Applicant has amended claim 16 to further include "a means for storing said software bridge/router in at least one computer of said series of computers within said computer network." The method as defined in claim 16 does not utilize a hardware router 26 separate from the computer

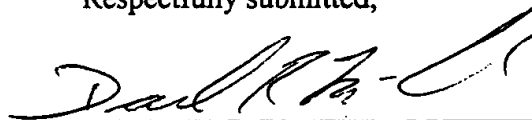
as disclosed in the '614 patent. As mentioned above, the '614 patent apparently discloses a hardware router 26 separate from the computers to provide communication between the computers in the SOHO LAN network and communication between the computers in the SOHO LAN network to the WAN network. Thus, Applicant respectfully submits that the '614 patent fails to disclose, teach, or suggest "a means for storing said software bridge/router in at least one computer of each said series of computers within said computer network", as defined in claim 16. For at least this reason alone, Applicant respectfully submits that claim 16 be allowed and the rejection be withdrawn.

Dependent claims 17-22 are also allowable as a matter of law, since these dependent claims contain all elements, features, or steps of independent claim 16. See *In re Fine*, supra. Accordingly, Applicant submits that the rejections of claims 16-22 be withdrawn.

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 1-22 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,



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